

9/27/2012 12:03 pm

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

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JOSEPH J. MURPHY and NANCY MURPHY,

Plaintiffs,

-against-

ORDER  
10-CV-1513(JS)(AKT)

STUART SNYDER, DOREEN SNYDER, BBSEA  
ASSOCIATES, LLC, S&D DEVELOPMENT, LLC,  
S&D DEVELOPERS LIMITED LIABILITY  
COMPANY, S&D DEVELOPMENT, INC.,  
MICHAEL MAISEL, NEIL SHIRVAN,  
42 EVERETT LLC, and 40 BOGERT RD LLC,

Defendants.

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APPEARANCES

For Plaintiffs: William Edward Vita, Esq.  
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For Neil Shirvan: Samuel D. Levy, Esq.  
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For Michael Maisel: David Parker, Esq.  
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For the remaining  
Defendants: Gabriel Levinson, Esq.  
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SEYBERT, District Judge:

This brief Order summarizes but does not resolve the pending motions in this case. The Court previously ordered that Defendants' answer be stricken and that Plaintiffs be awarded a default judgment in an amount to be determined. (Docket Entry 44 (adopting the Report and Recommendation of Magistrate Judge William D. Wall).) Thereafter, Plaintiffs moved for a calculation of damages, and Magistrate Judge Gary R. Brown issued a Report and Recommendation recommending that Plaintiffs be awarded compensatory and punitive damages as well as costs and interest. (Docket Entry 47.) Then, while Judge Brown's recommendation was pending, Defendants moved to vacate the default judgments. (Docket Entries 51, 55, 61.) The Court referred these latest motions to Judge Brown for a further Report and Recommendation. This case was subsequently reassigned to Magistrate Judge A. Kathleen Tomlinson. (See Docket Entry 92.)

Judge Tomlinson will consider the motions to vacate in the normal course. In the meantime, the Clerk of the Court is respectfully directed to terminate Plaintiffs' motion for damages (Docket Entry 44). The Court will consider Judge Brown's recommendation as to damages, if necessary, when it

considers Judge Tomlinson's recommendation whether to vacate the default judgments.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: September 27, 2012  
Central Islip, New York